

THE
T R Y A L
O F

William Fuller,

UPON

An Information for being an Impostor,
and of ill Name and Reputation :

Falsely, Maliciously, Wickedly and Seditiously
Contriving, Practising and Intending the late
King *William* and his Subjects Falsely and Un-
lawfully to Delude and Deceive, and Discords
between the said late King and his Peers, and
the Noblemen of this Kingdom, to excite and
stir up, by Publishing two Scandalous Libels,

The one called,

The Original Letters from the late King.

The other called,

Twenty six Depositions of Persons of Quality and Worth.

Of which he was found Guilty.

Before the Right Honourable the Lord Chief Justice
Holt, at *Guildhall*, *Wednesday*, *May 20.* 1702.

L O N D O N,

Printed for *Isaac Cleave* next to *Serjeants Inn* in *Chancery-lane*, 1702.

T R

W. H. H. H.

An information for the

and of W. H. H. H.

Having been

concerning

King W. H. H. H.

initially

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MAR 27 1916

THE TRIAL

OF

William Fuller,

*Wednesday, May the 20th, 1702.**Proclamation was made for all Persons concerned to attend.*

T H E N the Gentlemen that were of the Jury were sworn.

Peter White,
Ab. Burnett,
John Cooper,
Edward Pinfold,
James Dod,
Boden,

Acton,
Procter,
S. Stone,
Troughton,
Jo. Watson.
Dan. Carpenter.

The Queen against William Fuller, upon an Information
for Libels.

Mr. Montague, May it please your Lordship, and you Gentlemen of the Jury, The Information sets forth— That the Defendant being an Impostor, and a common Liar, and a Person of an ill Name and Reputation, falsely, maliciously, wickedly and seditiously contriving, practising

practising and intending the late King William and his Subjects falsely and unlawfully to delude and deceive, and Discords between the said late King and the Peers, and the Noblemen of this Kingdom, and the great Officers, and Ministers intrusted by the said late King, in Business relating to the Government of this Kingdom of England, and other Subjects of the said Kingdom, to move, excite, and stir up, and also to bring the Noblemen and Peers, and the great Officers and Ministers aforesaid, and other faithful Subjects into Hatred and Contempt with the said late King, and to get and obtain several great Sums of Money fraudulently, and deceitfully from the said late King. He, the said William Fuller, the first Day of January last, at London, &c. (to perfect and bring to effect his said wicked Practices and Intentions, and of and concerning a Correspondency between divers Officers and Subjects of the said late King and the late King James, while he resided at St. Germain in France, falsely pretended to be had and of divers Sums of Money by the said late King James distributed amongst the Subjects of the late King William, falsely pretended to be sent here into England) did falsely, wickedly, maliciously, and scandalously Write and Print, and cause to be Printed, a false, scandalous, and defamatory Libel, Entituled, Original Letters of the late King's, (meaning the late King James) and others, to his greatest Friends in England; with the Depositions of Thomas Jones, and Thomas Witherington Esqs; proving the Corruption lately practised to ruin this Nation. In which false, feigned, and scandalous Libel, among other things, are contained as follows, (1st. Page.) Thomas Jones Esq; deposeth, That he being at St. Germain, the Court of the late King James in France, in January 1692. The said late King being in his Closet, sent for this Deponent, and there commanded the said Deponent, to begin his Journey for England, in Company with Colonel Tho. Dallaval, and Mr. George Hayes, and the said late King did then and there deliver to this Deponent several Letters and Papers, to divers Noblemen and others in England, to whom this Deponent had several times, before and since, brought Letters from the late King and his Queen, and pretended Secretaries of State, delivered according to Order. This Deponent further saith, by the Oath he hath taken, that the late King James, at the time aforesaid, in his Closet at St. Germain, did deliver to this Deponent a Paper, being an Order for this Deponent to receive Six thousand Pounds, which Sum this Deponent was to pay to several Persons in Places in Trust then in England, to engage them more firmly to endeavour the invalidating the Evidence of William Fuller, (who as the said late King expressed, had been by him, his Queen, and chief Servants, intrusted and imployed in their most secret and weighty Concerns, for a considerable time after the late King and Queens coming to France. (p. 7.) And this Deponent saith, he informed Mr. Fuller, that Dallaval and Hayes were come to Town, and lodged at an Apothecaries in Holborn, which House Hayes formerly lodged at, but that Dallaval not being well, they could not come to him, therefore this Deponent said to Fuller, that they desired him to come to them, but he urged his Condition rendred him unfit, begging of the Deponent, to entreat them not to fail to attend the House of Commons at the time appointed; all which, this Deponent imparted the

the same Day to Col. *Dallaval* and Mr. *Hayes*, and with them went the same Evening to three Gentlemen that were then Members of Parliament; and this Deponent had a Letter from one of those three Gentlemen, (that was a Member of Parliament) directed to one of the Secretaries to the then Secretary of State, which this Deponent was to carry to him the next Morning, which accordingly he did by seven of the Clock: And this Deponent saith, he paid the said Under-Secretary 500 Guineas: And this Deponent saith, that when he left the Secretary, he went directly to the *Sun-Tavern* in *King-street Westminster*, where he found the three Members with *Dallaval* and *Hayes*, and an eminent Banker of the City of *London*; then this Deponent desired the Banker to give his Bill to pay to each of those three Gentlemen that had been Members, 1000 Pounds, payable on sight, which being done, the said Banker delivered also to one of them his Bill for 1500 £. to be paid on demand, for the use of a considerable Person, whose Station would not permit him to be present. And this Deponent saith, by the Oath he has taken, that the several Sums of Money, before-mentioned, with several lesser Parcels, were so disposed of by him, according to the late King's especial Directions. And this Deponent saith, he has now by him, the Receipts of each Person for the respective Bills and Monies, he disposed of, with the true Copies of his original Bills, delivered to him by the late King's own Hand. This Deponent saith, he delivered to the late King a Letter he had for him, from the 3 Gentlemen that were Members, and also several others he brought from *England*. And forasmuch, as this Deponent saith, as he hath formerly been employed to bring Letters, and Bills, and Orders, from the late King *James* and the *French King* and their Ministers; this Deponent saith, that he has kept a Journal of the same, and is ready to lay it before either or both Houses of Parliament when required. And this Deponent saith also, by the Oath he hath taken, that he can produce his original Orders, that he received from the late King's, and the *French King's*, own Hands, for the distributing more than One hundred fourscore thousand Pounds Sterling for their use, to Persons that were in Places of Trust. And this Deponent saith, he can produce the Receipt of each Person to whom the Money was paid, and also the Persons from whom this Deponent received the said Sum of Sums, by the Order aforesaid.

Tho. Jones.

(2d Book.) *The Information farther sets forth, That the Defendant, the Day and Year aforesaid, (to perfect and bring to effect his further most wicked Practices and Intentions against divers Officers, and other Subjects of the late King William, upon a feigned and pretended Correspondence between them and the late King James, whilst he resided in France, and of several Sums of Money sent by the said King James out of France into England to be distributed amongst the Subjects of the late King William) another most false and scandalous Libel, [Title-Page] (entitled, Twenty six Depositions of Persons of Quality and Worth) falsely, wickedly, and most deceitfully, did Write, Print, and cause to be Printed, in which said false and scandalous Libel, amongst other things, are contained, viz. [5th Page.] Mr. Jones has also made Oath, that he paid 5000 £. more by the late King's Order, to several Persons in Places of Trust, that they might compleat my ruin, and invalidate me for ever; nor is this all, for the same*

Mr.

Mr. Thomas Jones, will prove by undeniable Witnes and Demonstrations, that he has distributed more than One hundred fourscore thousand Pounds in Eight Years last past, by the French King's Order, to Persons in publick Trust in this Kingdom.

W. Fuller.

And the said Defendent Fuller afterwards, the said Day, &c. falsely, unlawfully, and wickedly did Publish, Utter, and for Truth Affirm, the said several false and scandalous Libels, without any lawful Authority. Whereas, in Truth, the said Thomas Jones did not Depose upon his Oath, as is contained in the said false and scandalous Libel, but that the said scandalous Libels were and are false and feigned, and altogether contrary to Truth, to the great Scandal and Abuse of the late King William and his great Officers and Ministers, and other the faithful Subjects of the said late King, to the evil Example of others, and against the Peace of the said late King, his Crown and Dignity.

He Pleaded not Guilty. and Issue joined thereupon.

The Case. The Defendent Fuller is so notorious a Cheat, and his Practices so publickly known to all Men, that there need not much to be said here to aggravate his Offences, for in the Year 1691, he was Censured by the House of Commons, Prosecuted, Convicted, and Punished for those very Crimes he now stands to be Tried; and notwithstanding that Sentence and Punishment, he still persists in his villanous Practices and Designs.

About 2 Years since, he applied himself to the chief Ministers at Court, and insinuated what Discoveries he could make relating to the Cheat of the Birth of the pretended Prince of Wales, and of great Sums of Money received by several Persons of Quality here, from the late King James, and the French King, and of several Correspondencies had between them, and the great Officers of State here in England, but not meeting with that Encouragement he expected; he then undertakes to Write and Publish the two scandalous Libels mentioned in the Information, and caused great Numbers of them to be Printed, and sold about the Town, and then Petitions the House of Peers to be heard, to make out the Truth of what he Wrote and Published: The House of Peers, by his Importunity, appointed a Day for him to produce those Persons he mentioned, to make good his Accusations and Charge, which he undertook to do; but failing from time to time, their Lordships ordered him to be Committed, and Prosecuted for an Impostor, but the Defendant being an harden'd Rogue, was noway humbled at this Order, but immediately thereon, applies himself by Letters, to the Speaker of the House of Commons, alleging the same matters, as he had done before to the House of Lords: The House of Commons ordered him to be brought to their Bar, where he only desired 10 Days time to produce those Persons mentioned in his Libels, and that House (to leave him no Excuse) granted him a Fortnight, but having trifled with the House of Commons, as he had done before with the House of Lords, they Voted him an incorrigible Rogue, and ordered him to be Prosecuted: What the reasons were for this unparell'd Impudence, whether for the sake of Gain, or Malice to those Gentlemen he hints at in his Libels, are yet Secrets.

M. Att. Gen.

Mr. Att. Gen. My Lord, the Charge has been very fully opened, and I need not say much. His Crime is his publishing these two Books, (mentioned in the Information.) He has been some time setting up for an Evidence, pretending to discover a secret Correspondence between the late King *James*, and several Persons here in *England*. He made an offer of some such Discovery about ten Years ago, and he then applied himself to the House of Commons, and they gave him time to produce his Witnesses; but after all, he could produce none, and the House ordered him to be Prosecuted as a Cheat and Impostor; and he was Prosecuted accordingly, Convicted---, and set in the Pillory. Now some time last Winter, he did apply himself to some of the late King's Ministers, and pretended he would produce *Thomas Jones*, and *Tho. Witherington*, to make considerable Discoveries; they heard him, but he could never produce these Men before them: And afterwards having no Encouragement from them, he took on him to Publish these two Books, mentioned in the Information, whereof he stands now accused. And after he was before the Parliament, he first applied himself to the House of Lords, and they heard what he had to say, and gave him time to produce his Witnesses, but he could not do it, and thereupon, the Lords were pleased to direct this Prosecution. Then he applied himself to the House of Commons, and they gave him time likewise to produce his Witnesses, but he could produce none, whereupon, they Voted him, a Cheat, a false Accuser, and an incorrigible Rogue. My Lord, these Books were published with a very malicious Design, and no doubt, he had other People, who do not now appear, to support him in it; and I doubt not but he would have set up Witnesses to have sworn whatever he would have them, if he had met with any Encouragement. He has the Impudence to put in the Frontispiece of his Books, *Published by command*; but being asked in the House of Peers, by whose Command? He said it was by his own Command. And he has

Published in the Books, that he would produce Witnesses to prove the distributing of an Hundred and eighty thousand Pounds to Persons in Places of Trust, and to produce Receipts for the same, and he hath an opportunity now of doing it: We will prove the Charge upon him.

Mr. Soll. Gen. My Lord, The matter of the Information has been fully opened; but we are to consider the ill Consequences of it. This is a new Practice, for a Man to publish things of this Nature, and not be able to prove any thing. But he pretends to set up a second Witness to make out what he has said, that is *Jones*, as if *Jones* were to relieve him. Now if that were true, it would be a great thing to corroborate what he did say. But he has never produced this *Jones*, but only has Printed something that he calls *Jones's*. If it were only what depended on his private Knowledge, the Case were otherwise; but when he pretends to bring *Jones* to Prove it, and does not produce him, he makes himself guilty of the Scandal; and it is very necessary that this Man should be brought to Punishment. I will not trouble your Lordship further, but call our Witnesses.

Mr. Serj. Darnel, The Matter has been opened so fully, that there is no need for me to say any thing; we will now call our Witnesses.

Mr. Att. Gen. My Lord, we will prove that *Fuller* carried this Book to the Press, and not Mr. *Jones*, therefore we may well presume it was his own.

Mr. Coniers, He could never produce *Jones*, but he could frame Depositions for him.

Then Fuller's Book was produced.

Mr. Serj. Darnel, Call Mr. *Buck*, [who appear'd, and was sworn] Mr. *Buck*, who caused that Book to be Published?

Mr. *Buck*. Mr. *Fuller*.

Mr. Serj. Darnel, How do you know that?

Mr.

Mr. *Buck*, He brought it to me in Manuscript, and he said he took these Depositions out of the Secretaries-Office.

Mr. Serj. *Darnel*, But what did he desire you to do?

Mr. *Buck*, He desired me to Print it. And he said, Because it was not done sooner, it had done the King Ten thousand Pound Damage.

Mr. *Coniers*, Did he make any Alteration in them afterwards?

Mr. *Buck*, No, only alter'd the Mistakes of the Press.

Mr. Att. Gen. Was that Book Printed by his Order?

Mr. *Buck*, Yes.

W. *Fuller*, My Lord, I will not give these Gentlemen the trouble to prove it, I own it was writ by me.

Mr. Att. Gen. Do you own the other Book too?

Mr. *Buck*, look on that Book, [then the other Book was shewn him] By whose Order was that Printed?

Mr. *Buck*, By Mr. *Fuller's* Order.

Mr. *Fuller*, My Lord, If it be the Book I Published, I will own it. [Then it was shewn him] Yes, my Lord, It was Printed by my Order.

Lord Ch. J. *Holt*, Read the Title.

Clerk. *Original Letters from the late King James, &c. Published by Command.*

Lord Ch. J. *Holt*, By whose Command was it Published?

Mr. Att. Gen. By *Fuller's*.

Lord Ch. J. *Holt*, His Order is a Command it seems.

Then some Paragraphs were read.

Mr. Att. Gen. If Mr. *Fuller* will produce this *Jones*, to make good what he says, he will do a great piece of Service; otherwise, he deserves to be severely Censured.

Lord Ch. Ju. *Holt*, Read the other Part.

Then

Then the Clerk read the Title.

W. Fuller, Pray read the whole Title.

Lord Ch. J. Holt, He is in Love with it.

Clerk, [Reads the Title] Twenty six Depositions of Persons of Quality and Worth, with Letters of the late Queen, Father Corker, and Mrs. Mary Grey, &c. Published by Command.

Mr. Att. Gen. Read the rest.

Clerk, Mr. Fuller's Answer to the chief Objections made against him, &c.—. Mr. Jones made Oath, that he had paid 5000 l. more, to several Persons by the late King's Order, that he might compleat my Ruin, and invalidate my Evidence for ever, &c.

Mr. Att. Gen. My Lord, We have proved his Publishing of these Books: We will now hear what he can say for himself.

W. Fuller, My Lord, I humbly beg you will hear what I have to say.

Lord Ch. J. Holt, Yes, yes. Have you any Council?

W. Fuller, No, My Lord, I have none, I have no Money to procure Council. I have put my Thoughts in Writing, and I beg leave to read it.

Lord Ch. J. Holt, But you must speak to the purpose. What do you say concerning the publishing these Books?

W. Fuller, That is what I have to offer.

Lord Ch. J. Holt, But can you make it appear that they are true?

W. Fuller, My Lord, I hope I shall.

Lord Ch. J. Holt, Have you any Witnesses?

W. Fuller, I have none here at present. But if your Lordship will please to hear the Terms upon which the Witnesses would have come in, I can produce them; if your Lordship will grant your Warrant for Jones, I will forfeit my Life if he appear not.

Lord Ch. J. Holt, You might have had Subpoenas for your Witnesses against this Day.

W. Fuller, My Lord, I did endeavour it, but I had not Money to bear their Charges.

Lord

(11)
L. C. J. Holt. You made the same excuse before the House of Lords, and Commons.

W. Fuller. If it can be made appear that I had any assistance from the House of Lords, or the House of Commons, I own I am in the wrong.

L. C. J. Holt. What assistance would you have had from them? or what would you have from me?

W. Fuller. The House of Lords summoned me before them, and I desired —

L. C. J. Holt. If you take on you to write such things as you are charged with, it lyes upon you to prove it at your peril.

Mr Att. Gen. My Lord, he did appeal to the Lords, and they gave him from time to time to produce his Witnesses, and he could not do it.

L. C. J. Holt. If you have any Witnesses, I will hear them; but to hear you make a Speech, it is to no purpose.

W. Fuller. My Lord, I hope you will believe it to be to the purpose, if you please to hear me.

Mr Coniers. What signifies your belief?

W. Fuller. Why am I not to be believ'd?

L. C. J. Holt. What? Because you have stood in the Pillory for an Impostor heretofore.

Mr S. Darnel. The whole Nation do not believe you, for the Lords and Commons did not, who represent the whole Nation.

W. Fuller. The Lords did not think fit to put it to the tryal. These Gentlemen charge me to have abused several persons, I would be glad to know who these persons are.

Mr Att. Gen. I cannot tell who they are, your Book promises to make that appear.

W. Fuller. If a Man of an ill Character abuse the Nation, I hope I shall not suffer for that.

L. C. J. Holt. How came you to write these Books, that are not true?

W. Fuller. My Lord, I believe they are all true.

Mr Att. Gen. Produce the Original Affidavits made by Jones, which you caused to be printed.

Mr Serj. Darnel. Produce the Receipts in for the Money, which you say you have, and then you will do something.

W. Fuller. Do I say it?

Mr Serj. Darnel. Yes, if that Print be yours.

W. Fuller. I wonder a Man of your Gravity should assert such an untruth in the Court.

L. C. J. Holt. If you have any Witnesses, produce them.

W. Fuller. My Lord, I presume you cannot but remember that in *Crone's Case* I behaved my self honourably, and was owned to have done the Nation good service.

L. C. J. Holt. That was formerly, and signifies nothing to what you do now.

W. Fuller. I ventur'd several times into *France*, and back again; shew me a man that ever did so besides.

Mr Att. Gen. If you had made out the discovery you pretended to make, I should have commended you.

W. Fuller. After I had made that discovery, the Court at *St Ger-mains* did what they could to ruine me. There have been a great many Books lately printed, to prove the Legitimacy of the Prince of *Wales*, and none of them taken notice of.

L. C. J. Holt. You charge a great many persons with corresponding with *France*, and cannot prove it.

W. Fuller. I charge none, my Lord.

L. C. J. Holt. You charge all that are intimated in the Books. The same *Mr Jones* will prove by undeniable demonstration, that he distributed more than 180000 *l.* by the *French Kings* order to several persons employed under the Government. Now these persons are scandalized, for you produce no proof of what you charge them with. And you say, I had the Original of this from *Mr Jones, &c.* Where are they?

W. Fuller. If your Lordship will please to grant me your Warrant, I will produce them.

L. C. J. Holt. If you take on you to make good these things, you cannot in Justice require my Warrant to fetch in others to prove what you say, you must prove it.

W. Fuller. By his own Confession he has been guilty of High Treason, and therefore will not appear without a Warrant.

L. C. J. Holt. You cannot pretend to have a right to any Warrant.

W. Fuller. If your Lordship please to give me leave to say something in my defence.

L. C. J. Holt. Yes, if it be to any purpose.

W. Fuller. I am unacquainted with the Laws, and have not.

L. C. J. Holt. What is that to the purpose? You are not to make Libels, nor traduce Ministers of State. What have you to say to that?

W. Fuller. When I had printed this Book, I was summoned before the Lords, and after that was committed to the Fleet. My Friends were all called before the Lords, and by my Lord *Jeffreys* and other Lords there were such Questions asked, as I believe were never asked before.

L. C. J. Holt. This is not to be endured: you do but aggravate your Crime.

W. Fuller. This is not what I would offer.

L. C. J. Holt. If you can offer any matter to prove what you have writ, let us hear it.

W. Fuller. *Mr Jones* has confess'd himself guilty of High Treason, and therefore cannot appear.

L. C. J. Holt. Where is he? Where did he make this confession?

W. Fuller. In the Country.

L. C. J. Holt. Before whom?

W. Fuller. I do not know that, I was not with him when he did it.

L. C. J. Holt. Where is the man?

W.

(13)
W. Fuller. If your Lordship will please to give me your Warrant, I will produce him.

L. C. J. Holt. Shall I make a bargain with you? Why have you not produced him all this while, before the House of Lords, and the House of Commons?

W. Fuller. Mr Attorney did say I appealed to the Lords: I was called before them; I made no application to them, but was called by the Order of the House.

Mr Att. Gen. But you was there.

W. Fuller. I was there; and there were three Letters read of mine in the House, and I desire they may be read here.

L. C. J. Holt. What is that to the purpose? Can you produce your Witnesses?

W. Fuller. Mr Jones is now in Hampshire.

L. C. J. Holt. Have you not had time enough to procure him?

W. Fuller. My Lord, I cannot force him. I was with the Secretary of State, and told him, Jones will not come in voluntarily; if the Lords will grant a Warrant, he may be brought. I offer'd this to the House of Commons too, but it was not granted. I could not force him.

Mr Serj. Darnel. The Secretary of State sent one or two for him.

W. Fuller. He sent no body.

L. C. J. Holt. Gentlemen of the Jury, You hear what the purpose of this Information is, and you hear how it is proved; and you hear the Witness say he brought these two Scandalous Books to the Press, and that he corrected them: And he owns he was the Publisher of them. And if you believe he did do so, you are to find him Guilty.

The Jury brought him in Guilty, without going from the Bar.

F I N I S

Books Printed and sold by *Isaac Cleave* next to
Serjeants Inn in Chancery-lane.

THe Tryal of *Richard Hathaway*, upon an Information for being a Cheat and Impostor, for endeavouring to take away the Life of *Sarah Morduck* for being a Witch, at *Surrey Assizes*, *March 24. 1702.* in which is discovered the malicious designs of the said Impostor, with an account of his pretended Inchantments and Witchcraft, before the Right Honourable the Lord Chief Justice *Holt*.

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